

THE NEW YORKER

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May 27, 2014

Albert V. Bryan U.S. Courthouse
401 Courthouse Square
Alexandria, VA 22314

Re: 1:13-mj-00182-IDD

Dear Honorable Judge Ivan D. Davis:

I am a reporter working on an article for *The New Yorker* magazine about Eric Harroun. As part of my reporting, I am seeking access to documents that have been sealed in *USA v. Harroun*: 1:13-mj-00182-IDD.

The First Amendment to the United States Constitution guarantees to the public a qualified right of access to judicial proceedings and documents. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980); *Press-Enter. Co. v. Superior Court*, 478 U.S. 1 (1986); *Matter of Associated Press v. Bell*, 70 N.Y.2d 32, 517, N.Y.S.2d 444 (1987). Without this important right, “which people have exercised for centuries, important aspects of freedom of speech and of the press could be eviscerated.” *Richmond Newspapers*, 448 U.S. at 580 (citation and quotation omitted). As a result, judicial proceedings and documents are presumptively open to the public.

A party seeking to keep judicial documents or proceedings from the public must establish a compelling reason to close the courtroom. *See Matter of Herald Co. v. Weisenberg*, 89 A.D.2d 224, 227, 445 N.Y.S.2d 413, 416 (4th Dep’t 1982), *aff’d*, 59 N.Y.2d 378, 465 N.Y.S.2d 862 (1983).

This matter is in the public interest, and specifically, of interest to readers of *The New Yorker* for two independent and significant reasons:

- According to the government, Eric Harroun represented a worrying trend, whereby American citizens travel abroad to fight in foreign conflicts, alongside Islamic militant organizations. Evidence supporting that claim is of paramount public interest.
- However, according to Eric Harroun, his arrest by the FBI was just one of many interactions he had had with American government officials over the years and was the result of deception and duplicity on behalf of the FBI. That narrative, if true, is also of paramount public interest.

For the foregoing reasons, I respectfully request that, from the docket, item #18 (“Sealed Document” – 5/28/2013) be unsealed, and pages 35 and 36 from the hearing on April 8, 2013 be unredacted.

Sincerely,

Nicholas Schmidle

cc: Fabio Bertoni

THE NEW YORKER

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